



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

MASSACHUSETTS

ANTI-LIQUOR LAW;

WITH AN ANALYSIS AND EXPOSITION.

ALSO THE PROCEEDINGS OF THE

STATE TEMPERANCE CONVENTION,

Held at Worcester, June 23d and 24th,

EMBRACING RESOLUTIONS AND LETTERS,

THE

ADDRESS TO THE CITIZENS OF MASSACHUSETTS,

AND FORMS OF COMPLAINT AND WARRANT.

BOSTON:

PUBLISHED BY THE STATE TEMPERANCE COMMITTEE,

At No. 27 SCHOOL STREET.

1852.

Soc 4412.852.1

HARVARD COLLEGE LIBRARY
FROM THE HEIRS OF
GEORGE C. DEMPSEY

TEMPERANCE DOCUMENTS.

THE following Documents are published by the State Temperance Committee, under the instruction of the State Temperance Convention, held at Worcester, the 23d and 24th ult.; and are chiefly furnished gratuitously to the different County Committees, to be distributed in their respective towns and cities.

The Committee have endeavored to procure as early a publication of these Documents as possible, but have been unexpectedly delayed by some preliminary arrangements. The number furnished to each County may appear small, but the expense of getting the pamphlet through the press is greater than they designed at first, and it was thought unwise to increase it to any great amount.

Some copies have been reserved for sale at the office of the Committee, No. 27 School Street, at \$3 per hundred, or 5 cents per single copy.

Great thanks are due to Hon. MYRON LAWRENCE, of Belchertown, for the Blanks, and to other friends for aid rendered in writing the Analysis and Exposition of the Law.

Boston, July 14, 1852.

BHS
Gift of
The Heirs of
George C. Dempsey.

MASSACHUSETTS

ANTI-LIQUOR LAW.

AN ACT Concerning the Manufacture and Sale of Spirituous or Intoxicating Liquors. Be it Enacted by the Senate and House of Representatives in General Court Assembled, and by the authority of the same, as follows :

Not to be made or sold as a Beverage.

SEC. 1. No person shall be allowed at any time to manufacture for sale, or to sell by himself, his clerk, servant, or agent, directly or indirectly, any spirituous or intoxicating liquors, or any mixed liquors, a part of which is spirituous or intoxicating, except as is hereinafter provided.

Agents to sell for certain purposes.

SEC. 2. The selectmen of any town, and the mayor and aldermen of any city, on the first Monday of May annually, or as soon thereafter as may be convenient, may appoint some suitable person or persons as agent or agents of such city or town, to sell at some central or convenient place or places, within said city or town, spirits, wines, or other intoxicating liquors, to be used for medicinal, chemical, and mechanical purposes, and no other; and such agent or agents shall receive such fixed and definite salary, not dependent in amount upon the sales, for his or their services, as the Board appointing him or them shall prescribe, and shall, in the sale of such liquors, conform to such rules and regulations as the selectmen and mayor and aldermen aforesaid shall prescribe for that purpose: and every such agent shall hold his situation for one year from the time of his appointment, unless sooner removed by the Board which appointed him, as he may be at any time, at the pleasure of said Board.

Agents to give Bonds, &c.

SEC. 3. Every agent, appointed as aforesaid, shall receive a certificate from the mayor and aldermen, or selectmen, by whom he has been appointed, authorizing him, as agent of such city or town, to sell intoxicating liquors for medicinal, chemical, and mechanical purposes only, at such place within their respective town or city as by them shall be deemed

suitable, which place shall be designated with precision in said certificate; but such certificate shall not be delivered to the person so appointed until he shall have executed and delivered to said Board a bond, with two good and sufficient sureties, in the sum of six hundred dollars, in substance as follows:

Know all men that we ———, as principal and ——— and ———, as sureties, are holden and stand firmly bound to the inhabitants of the town of ———, (or city, as the case may be), in the sum of six hundred dollars, to be paid unto them, their successors or assigns, to which payment we bind ourselves, our heirs and executors, or administrators, firmly by these presents. Sealed with our seals and dated this ——— day of ——— A. D. ———. The condition of this obligation is such, that whereas the above bounden ——— has been duly appointed an agent for the town of ———, to sell within, for, and on account of said town or city, intoxicating liquors for medicinal, chemical, and mechanical purposes, and no other, until the ——— day of ——— A. D. ———, unless sooner removed from said agency. Now if the said ——— shall, in all respects, conform to the provisions of law relating to the business for which he is appointed, and to such rules and regulations, as now are, or shall, from time to time, be established by the Board making the appointment, then this obligation to be void, otherwise to remain in full force. And the selectmen, and mayor and aldermen shall keep a record of the names and certificates, in full, of all persons by them appointed, as aforesaid, which record shall be open to public inspection at all reasonable times, and they shall, as soon after the appointment of said agents as practicable, furnish a list of said names to the county commissioners of the several counties, and mayor and aldermen of the city of Boston.

Manufacture, how authorized.

SEC. 4. The commissioners of the several counties, and the mayor and aldermen of the city of Boston, on the first Monday of May annually, or as soon thereafter as practicable, may authorize such persons as shall apply to them, in writing, to manufacture spirituous or intoxicating liquors, at a suitable place or places within their respective county or city, and sell the same in quantities not less than thirty gallons, to be exported out of the Commonwealth, and for mechanical and chemical purposes, or in any quantity to duly authorized agents of the towns and cities; and such authority, given as aforesaid, shall continue for the term of one year from the date thereof, unless sooner revoked for cause, or annulled as hereinafter provided and specified.

Manufacturers to give Bonds, &c.

SEC. 5. Every person authorized, as aforesaid, shall receive a certificate from the county commissioners, or the mayor and aldermen by whom he is

authorized, giving him authority to manufacture and sell spirituous and intoxicating liquors, as aforesaid, at such place, within their respective county or city, as by them shall be deemed suitable, which place shall be designated with precision in such certificate; but such certificate shall not be delivered to such person until he shall have executed and delivered to said Board a bond, with two good and sufficient sureties, in the sum of six thousand dollars, in substance as follows:

Know all men that we, ———, as principal, and ——— and ———, as sureties, are holden and stand firmly bound to the inhabitants of the county of ——— (or city, as the case may be,) in the sum of six thousand dollars to be paid unto them, their successors, or assigns, to which payment we bind ourselves, our heirs, executors, and administrators, jointly and severally firmly with these presents. Sealed with our seals, and dated this ——— day of ———, A. D. ———

The condition of this obligation is such, that whereas the above bounden ——— has been duly authorized to manufacture spirituous or intoxicating liquors at ———, in the town or city of ———, and county of ———, and sell the same in quantities not less than thirty gallons to be exported out of the Commonwealth, or for mechanical and chemical purposes, or in any quantity, to duly authorized agents of towns and cities, as by law provided, until the ——— day of ———, A. D. ———, unless such authority be sooner revoked or annulled.

Now if the said ——— shall, in all respects, conform to the provisions of law relating to the business which he is authorized, as above, to pursue, and shall violate no law of the Commonwealth touching the manufacture and sale of spirituous or intoxicating liquors, then this obligation to be void, otherwise to remain in full force; and if any person so authorized and bound shall commit any breach of the conditions of his bond, his certificate shall thereupon be null and void, and he shall not thereafter be authorized or permitted to manufacture or sell spirituous or intoxicating liquors.

Names of Makers and Agents; how Recorded.

Sec. 6. The commissioners of the several counties, and the mayor and aldermen of the city of Boston, shall keep a record of the names, residences, and certificates, in full, of all persons by them authorized to manufacture and sell, as herein before provided, and also the names and residences of all agents of towns and cities, furnished them by the selectmen and mayor and aldermen, as provided in section third, which record shall be open to public inspection at all reasonable times; and they shall furnish a list of said names, with their residences, to all persons authorized by them to manufacture and sell spirituous or intoxicating liquors, and to all agents of towns and cities whose names have been furnished them as aforesaid, or who are in any way known to them.

Penalties for Lawless Selling, &c.

SEC. 7. If any person by himself, his clerk, servant, or agent, shall at any time sell any spirituous or intoxicating liquor, or any mixed liquor, part of which is spirituous or intoxicating, in violation of the provisions of this Act, he shall forfeit and pay on the first conviction, ten dollars and the cost of prosecution, and shall stand committed until the same be paid, and shall be required to give bonds in a sum of not less than one thousand dollars that he will not, within one year from such conviction, violate any law of the Commonwealth concerning the sale of spirituous or intoxicating liquors: on the second conviction he shall pay twenty dollars and the costs of prosecution, and shall stand committed until the same be paid; and if it be more than one year from the first conviction, he shall be required to give like bonds as on said first conviction: on the third and every subsequent conviction, he shall pay twenty dollars and the costs of prosecution, and shall be imprisoned in the common jail or house of correction, not less than three nor more than six months: and in default of payment of fines and costs prescribed in this section for the first and second convictions, the convict shall not be entitled to the benefit of any of the Acts of the Commonwealth for the relief of poor prisoners, committed on execution for debt, or concerning poor debtors, or relating to the discharge of poor debtors committed on execution for debt, until he shall have been imprisoned two months; and in default of payment of fines and costs provided for the third and every subsequent conviction, he shall not be entitled to the benefit of said Acts concerning poor debtors, or for the relief of poor prisoners, or relating to the discharge of poor debtors, as cited above, until he shall have been imprisoned in the jail or house of correction three months. And if any clerk, servant, or agent, or any other person in the employment or on the premises of another, shall violate the provisions of this section, he shall be held equally guilty with the principal, and on conviction shall suffer the same penalty. And where any act, in violation of the provisions of this section has been committed by any clerk, servant, or agent, or other person as aforesaid, upon the premises of another, the names of all the parties implicated, either as principal or as clerk, or other person, may be included in the same complaint, warrant, or indictment, and all the parties may be tried at the same time, and judgment shall be rendered accordingly, and each person so implicated and convicted shall incur the fines and forfeitures provided for the offence. And two or more acts of violation of the provisions of this section may be alleged in the same complaint or indictment, and be tried at the same time, and conviction thereon, or on any of them, shall operate upon the defendants in the same manner as if the actions had been upon separate complaints, and the convictions had at separate trials.

Such Penalties, how Recovered.

SEC. 8. Any forfeiture or penalty arising under the above section may be recovered in an action of debt, brought in the name of the city or town where the offence was committed, or by complaint before any Justice of the Peace or Judge of any Police Court in the county where the offence was committed, and the forfeiture so recovered shall go to the town or city where the convicted party resides; and the prosecutor, or complainant, may be admitted as a witness in the trial, and in all actions of debt arising under this section, the fines and forfeitures suffered by the defendant shall be the same as if the action had been by complaint. And it shall be the duty of the mayor and aldermen of any city, and the selectmen, or any one of them, of any town, to commence an action in behalf of said city or town, against any person guilty of a violation of any of the provisions of this Act, on being informed of the same, and being furnished with reasonable proof of the fact.

Time and Requisites for Appeal, &c.

SEC. 9. Every person convicted under this Act by any Justice of a Police Court, or Justice of the Peace, may appeal from the sentence to the Court of Common Pleas, or, in the County of Suffolk, to the Municipal Court, then next to be holden in the same county; and such appellant shall be committed to abide the sentence of the said Court until he shall recognize to the Commonwealth in the sum of not less than one hundred dollars, with two good and sufficient sureties, with condition to appear at the Court appealed to, and there to prosecute his appeal, and to abide the sentence of the Court thereon, and that he will not during the pendency of such appeal violate any of the provisions of this act. The forfeiture of all bonds and recognizances given in pursuance of this Act, shall go to the town or city where the offence was committed.

When Agents Forfeit their Bonds.

SEC. 10. The mayor and aldermen of any city, and the selectmen of any town, whenever complaint shall be made to them that a breach of the conditions of the bond given by any person appointed as agent of said city or town, under this Act, has been committed, shall notify the person complained of, and if, upon a hearing of the parties, it shall appear that any breach has been committed, they shall revoke and make void his appointment. And whenever a breach of any bond, given to the inhabitants of any city or town in pursuance of the provisions of this Act, shall be made known to the mayor and aldermen, or selectmen, or shall in any manner come to their knowledge, they shall, at the expense and for the use of said city or town, cause the bond to be put in suit in any Court proper to try the same.

When Makers Forfeit their Bonds.

Sec. 11. The commissioners of counties, and the mayor and aldermen of the city of Boston, whenever complaint shall be made to them that a breach of the conditions of the bond given by any person authorized for their respective county or city, under this Act, to manufacture and sell spirituous or intoxicating liquors, as provided in the fourth and fifth sections of this Act, has been committed, shall notify the person complained of, and if upon a hearing of the parties it shall appear that any breach of such bond has been committed, they shall revoke and make void his authority. And whenever a breach of any bond given by any manufacturer to the inhabitants of any county, or of the city of Boston, in pursuance of any of the provisions of this Act, shall be made known to the mayor and aldermen of the city of Boston, or to the commissioners of the county where the offence is said to have been committed, or shall in any manner come to their knowledge, they shall, at the expense and for the use of said city or county, cause the bond to be put in suit in any Court proper to try the same.

Penalties for Makers and Common Sellers.

Sec. 12. No person shall be allowed to be a manufacturer of any spirituous or intoxicating liquors for sale, or a common seller thereof, without being duly appointed or authorized as aforesaid, on pain of forfeiting, on the first conviction, one hundred dollars and the costs of prosecution, and in default of payment thereof, the person so convicted shall be imprisoned sixty days in the common jail or house of correction, and shall be required to give bonds in a sum of not less than two thousand dollars, that he will not within one year from such conviction, violate any law of the Commonwealth concerning the manufacture or sale of spirituous or intoxicating liquors; and on the second conviction, the person so convicted shall pay the sum of two hundred dollars and costs of prosecution, and in default of payment shall be imprisoned four months in the common jail or house of correction; if it be more than one year from the first conviction, he shall be required to give like bonds as on said first conviction; and on the third and every subsequent conviction, he shall pay the sum of two hundred dollars, and shall be imprisoned four months in the common jail or house of correction, in the county where the offence was committed; said penalties to be recovered before any Court of competent jurisdiction, by indictment or by action of debt in the name of the city or town where the offence shall have been committed. And whenever a default shall be had of any recognizance arising under this Act, *scire facias* shall be issued, returnable at the next term, and the same shall not be continued unless for good cause satisfactory to the Court. And three several sales of spirituous or intoxicating liquors, either to different per-

sons or to the same person, shall be sufficient to constitute a violation of this section; and delivery in or from any store, shop, warehouse, steamboat or other vessel, or any vehicle of any kind, or any building or place other than a dwelling house, shall be deemed *prima facie* evidence of a sale; and a delivery in or from a dwelling house, with payment or promise of payment, either express or implied, on, before, or after such delivery, shall be held to constitute a sale within the meaning of this Act. And if any clerk, servant, or agent, or any other person in the employment, or on the premises of another, shall violate the provisions of this section, he shall be held equally guilty with the principal, and on conviction shall suffer the same penalty; and where any act in violation of the provisions of this section has been committed by any clerk, servant, or agent, or other person as aforesaid, upon the premises of another, the names of all the parties implicated, either as principal, clerk, or other person, may be included in the same complaint and warrant and indictment, and all the parties may be tried at the same time, and judgment to be rendered accordingly; and each person so implicated and convicted shall incur the fines and forfeitures provided for the offence; and two or more acts of violation of the provisions of this section may be alleged in the same complaint or indictment, and be tried at the same time, and conviction thereon, or on any of them, shall operate upon the defendants in the same manner as if the action had been upon separate complaints, and the convictions had at separate trials; provided that nothing in this act shall be construed to prevent the manufacture or sale of cider for other purposes than that of a beverage; or the sale and use of the "fruit of the vine" for the commemoration of the Lord's supper.

These Cases to be first Tried, &c.

SEC. 13. All cases arising under this Act, whether by action, indictment, or complaint, which shall come before any Court, either by appeal or original entry, shall take precedence in said Court of all other business, except those criminal cases in which the parties are actually under arrest awaiting a trial; and the Court and the prosecuting officer shall not have authority to enter a *nolle prosequi*, or to grant a continuance in any case arising under this Act, either before or after the verdict, except where the purposes of justice may require it, and a *nolle prosequi* shall not be entered by the prosecuting officer, except with the concurrence of the Court.

How Liquors may be Searched for and Seized.

SEC. 14. If any three persons, voters in the town or city where the complaint shall be made, shall, before any Justice of the Peace, or Judge of any Police Court, make complaint under oath or affirmation, that they have reason to believe, and do believe, that spirituous or intoxicating liquors are kept or deposited, and intended for sale, by any person not

authorized to sell the same in said city or town, under the provisions of this act, in any store, shop, warehouse, or in any steamboat or other vessel, or in any vehicle of any kind, or in any building or place in said city or town, said Justice or Judge shall issue his warrant of search to any sheriff or deputy sheriff, or city marshal or deputy marshal, or to any constable, who shall proceed to search the premises described in such warrant; and if any spirituous or intoxicating liquors are found therein, he shall seize the same, and convey them to some proper place of security, where he shall keep them until final action shall be had thereon; and such liquors so seized, together with the implements of the traffic, may be used in evidence against any person charged with the unlawful manufacture or sale of spirituous or intoxicating liquors; but no dwelling-house shall be searched, unless one of said complainants shall make oath or affirmation, that he has reason to believe, and does believe, that such liquors have been sold therein, by the occupant thereof, or by his consent or permission, within the time of one month of making such complaint, and are then kept therein for sale; and shall in his oath or affirmation, state the facts and circumstances on which such belief is founded: which facts and circumstances shall be sufficient, in the judgment of the magistrate before whom complaint is made, to reasonably induce said belief; and the owner or keeper of said liquors seized as aforesaid, if he shall be known to the officer seizing the same, shall be summoned forthwith before the Justice or Judge by whose warrant the liquors were seized, and if he fail to appear, or unless he shall prove that said liquors are of foreign production, that they have been imported under the laws of the United States, and in accordance therewith, that they are contained in the original packages in which they were imported, and in quantities not less than the laws of the United States prescribe, or are kept for sale by authority derived under this Act, or are otherwise lawfully kept, they shall be declared forfeited, and shall be destroyed by the authority of the written order to that effect of said Justice or Judge, and in his presence, or in the presence of some person appointed by him to witness the destruction thereof, and who shall join with the officer, by whom they shall have been destroyed, in attesting that fact upon the back of the order by authority of which it was done; and the owner or keeper of said liquor shall pay a fine of twenty dollars and costs, or stand committed for thirty days, in default of payment, if, in the opinion of said Court, said liquors shall have been kept or deposited for sale contrary to the provisions of this Act. And if the owner or possessor of any liquors seized in pursuance of the provisions of this section, shall set up the claim that they have been regularly imported under the laws of the United States, and that they are contained in the original packages, the custom-house certificates of importation and proofs of marks on the casks or packages corresponding thereto, shall not be received as conclusive evidence that the liquors contained in said packages are those actually imported therein.

Liquors of Unknown Owners.

SEC. 15. If the owner, keeper, or possessor of liquors, seized under the provisions of this Act, shall be unknown to the officer seizing the same, they shall not be condemned and destroyed until they shall have been advertised, with the number and description of the packages, as near as may be, for two weeks, by posting up a written description of the same in some public place, that if such liquors are actually the property of any city or town in the State, and were so at the time of their seizure, purchased for sale by the agent of said city or town, for medicinal, chemical, or mechanical purposes only, in pursuance of the provisions of this Act, or the property of some person duly authorized to manufacture and sell such liquor, under this Act, and were lawfully in his possession at the time of such seizure, or were otherwise lawfully kept, they may not be destroyed; but upon satisfactory proof of such ownership or lawful possession, within said two weeks, before the Justice or Judge by whose authority said liquors were seized, said Justice or Judge shall deliver to the agent of said city or town, or person authorized or possessed as aforesaid, an order to the officer having said liquors in custody, whereupon said officer shall deliver them to said agent or person, taking his receipt therefor on the back of said order, which shall be returned to said Justice or Judge.

Liquors may be kept for the Arts, &c.

SEC. 16. If any owner or keeper of liquors seized as aforesaid, shall appeal from the Justice or Judge by whose authority the seizure was made, he shall give a bond in not less than two hundred dollars, with two good and sufficient sureties, to appear at the court appealed to, and there to prosecute his appeal, and to abide the sentence of the Court thereon, and that he will not during the pendency of such appeal violate any of the provisions of this Act, or in default of such bond he shall stand committed to abide the sentence of the court appealed to; and in case of such appeal, if the final decision shall be against the appellant, that such liquors were intended by him for sale, contrary to the provisions of this Act, then such liquors shall be destroyed as provided in section fourteen. But nothing contained in this Act shall be construed to prevent any chemist, or artist, or manufacturer, in whose art or trade they may be necessary, from keeping at his place of business such distilled liquors, as he may have occasion to use in his art or trade, but not for sale.

Liquors Seizable on Muster Fields, &c.

SEC. 17. It shall be the duty of any mayor, aldermen, selectmen, city marshal, or deputy marshal, sheriff, deputy sheriff, or constable, if he shall have information that any intoxicating liquors are kept or sold in any tent, shanty, hut, or place of any kind for selling refreshments in any public place on or near the grounds of any cattle show, agricultural exhibition,

military muster, or any public occasion of any kind, to seize such liquors, and arrest the keeper or keepers of such place and take them forthwith, or as soon as may be, before some Justice of the Peace, or Judge of some Police Court, with the liquors so found and seized, and upon proof and complaint that such liquors are intoxicating, that they were found in the possession of the accused, in a tent, shanty, or other place, as aforesaid, he or they shall be sentenced to the county jail or house of correction thirty days; and the liquors so seized shall be destroyed by order of said Justice or Judge.

Allegation of Former Conviction, &c.

Sec. 18. If any person arrested under the preceding section, and sentenced as aforesaid, shall claim an appeal, he shall give a bond in a sum not less than one hundred dollars with two good and sufficient sureties, to appear at the Court appealed to, there to prosecute his appeal, and to abide the sentence of the Court thereon, and that he will not, during the pendency of such appeal, violate any of the provisions of this Act, or in default of such bond, stand committed to abide the sentence of the Court appealed to. In any suit, complaint, or indictment, or other proceeding against any person for a violation of any of the provisions of this Act, other than for the first offence, it shall not be requisite to set forth particularly the record of a former conviction, but it shall be sufficient to allege briefly that such person has been convicted of a violation of the seventh section of this Act, or as a manufacturer, or common seller, as the case may be, and such allegation in any civil or criminal process, in any stage of the proceedings, before final judgment, may be amended without terms, and as a matter of right.

Contract and Payment for Liquors Void.

Sec. 19. All payments or compensations for liquors sold in violation of law, whether in money, labor, or personal property, shall be held and considered to have been received in violation of law, without consideration, and against law, equity, and good conscience; and in any action, either at law or equity, touching such money, labor, or personal estate, the purchaser and also the seller of such liquors may be a witness for either party. And no action of any kind shall be had or maintained, in any Court in this Commonwealth, for the recovery or possession of intoxicating liquors, or the value thereof, except such as are sold or purchased in accordance with the provisions of this Act.

When and how to take effect.

Sec. 20. This Act shall take effect in sixty days from and after its passage; and all Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed; such repeal, however, not to affect any action or process that may have been commenced under any existing law, before this Act goes into effect.

Approved, May 22, 1852.]

BRIEF ANALYSIS OF THE ACT.

SEC. 1. Prohibits the manufacture and sale of spirituous liquors, except as provided in the Act.

SEC. 2. Empowers the authorities of towns and cities to appoint agents, with fixed salaries, for the sale of spirituous liquors, to be used for medicinal, chemical and mechanical purposes, and no other.

SEC. 3. Provides the form of bond to be given by agents, the penalty being \$600.

SEC. 4. Empowers County Commissioners and the Mayor and Aldermen of Boston, to authorize suitable persons to manufacture spirituous liquors, and to sell the same in quantities not less than thirty gallons, to be exported out of the Commonwealth, and for mechanical and chemical purposes, or in any quantity to the agents of towns and cities.

SEC. 5. Provides the form of bond to be given by the licentiates, the penalty being \$6000.

SEC. 6. Requires the County Commissioners, and Mayor and Aldermen of Boston, to keep a record of the names of the licentiates and agents, a list of which is to be given to all licentiates and agents, and to be open to the public.

SEC. 7. The penalty of selling intoxicating liquor, contrary to law, is \$10 and costs for the first conviction, and the convict is required to give a bond in a penalty not less than \$1000, that he will not violate any law of the Commonwealth regulating the sale of intoxicating liquor. On the second conviction the penalty is \$20 and costs; and if a year has expired, to give like bonds as on the first conviction. On the third, and every subsequent conviction, the penalty is \$20 and costs, and imprisonment in the common jail not less than three, nor more than six months. Other persons beside the principal, and two or more acts of violation, may be tried at the same time.

SEC. 8. The penalties in the last section are given to the cities and towns in which the offences are committed, and town and city authorities are required to prosecute.

SEC. 9. Regulates appeals from magistrates in cases under the Act; the penalty of the recognizance for prosecuting the appeal is not less than \$100. The forfeiture of bond or recognizance under the Act goes to the town or city where the offence is committed.

SEC. 10. On complaint to the Mayor and Aldermen of any city, or the Selectmen of any town, of any breach of an agent's bond, they are to try the complaint and revoke the appointment if the charge be proved. The same officers are required to put the agent's bond in suit whenever a breach of it comes to their knowledge.

SEC. 11. Contains provisions in regard to licentiates and their bonds similar to those of the last section in regard to agents, only giving County Commissioners, and the Mayor and Aldermen of Boston, the power of acting on complaints.

SEC. 12. An unlicensed manufacturer of spirituous liquor for sale, or a common seller thereof, without authority, is subject to a forfeiture of \$100 and costs on the first conviction, and for non-payment thereof to sixty days' imprisonment, and is required to give a bond in a sum not less than \$2000, that he will not violate the liquor laws within a year; on a second conviction, such person is subject to a fine of \$200 and costs, and for non-payment to four months' imprisonment, and to give a similar bond if the year after his first conviction has expired; on a third, and every subsequent conviction, such person is subject to a fine of \$400 and four months' imprisonment. These penalties are

to be recovered by the city or town where the offence has been committed. Three sales of spirituous liquors make a person a common seller. Delivery in or from any other place than a dwelling-house is deemed *prima facie* evidence of a sale. A person in the employment of another, or on the premises of another, violating the provisions of this section, is held equally guilty with the principal. Nothing in the Act is to be construed to prevent the manufacture or sale of Cider for other purposes than that of a beverage, or the sale and use of the "fruit of the vine" for the commemoration of the Lord's Supper.

SEC. 13. These cases to take precedence on trial, and the section prohibits prosecuting officers from entering a *nolle prosequi* without the concurrence of the Court.

SEC. 14. If any three voters of any town or city, shall make complaint under oath before any Justice of the Peace or Judge of a Police Court, that they have reason to believe, and do believe, that spirituous liquors are kept for sale by any unauthorized person in any place in said city or town, the Justice shall issue his search warrant to any sheriff, city marshal, or constable, who shall proceed to search the premises, and if he finds any spirituous liquors therein, he is to seize and keep the same until final action can be had thereon; and the liquors so seized, together with the implements of the traffic, may be used as evidence against any person charged with the unlawful sale and manufacture of spirituous liquors: but no dwelling house can be searched, unless one of the complainants makes oath that he believes such liquors have been sold therein by the occupant thereof, or by his consent, within the time of one month of making the complaint, and are then kept therein for sale, and in his oath states the facts and circumstances on which his belief is founded, which facts and circumstances shall be sufficient in the judgment of the magistrate to reasonably induce such belief: and the owner or keeper of the liquor seized, if known to the officer, shall be summoned forthwith to appear before the magistrate, and if he fail to appear, or unless he shall prove that the liquors are of foreign production, that they have been imported under the laws of the United States, that they are contained in the original packages, and in quantities not less than the laws of the United States prescribe, or are kept for sale by authority derived under this Act, or are otherwise lawfully kept, they shall be declared forfeited, and shall be destroyed under a written order of the magistrate: and the owner or keeper of the liquor shall pay a fine of \$20 and costs, or in default of payment stand committed for thirty days, if in the opinion of the Court the liquors have been kept for sale contrary to the provisions of this Act.

SEC. 15. If the owner or keeper of the liquors is unknown to the officer, they are to be advertised for two weeks in a manner directed by this section. If the possession of the liquors is lawful, they are to be restored to the possessor, by an order of the magistrate.

SEC. 16. If the owner or keeper of the liquors seized appeal, he is required to give a bond in a penalty of not less than \$200, with two sureties binding him not only to prosecute his appeal, but also not to violate any of the provisions of this Act during the pendency of the appeal. Nothing contained in this Act is to prevent any chemist, artist or manufacturer from keeping such distilled liquors at his place of business as he may have occasion to use in his art or trade.

SEC. 17. Makes it the duty of any mayor, alderman, selectman, city marshal, sheriff, or constable, if he have information that any intoxicating liquors are kept or sold in any tent, shanty, hut, or place of any kind for selling refreshments, in any public place on or near the grounds of any cattle-show, agricultural exhibition, military muster, or any public occasion of any kind, to seize such liquors and arrest the keeper of the place, and take him forthwith before a magistrate, with the liquors seized, for trial. On conviction, the party is subject to thirty days' imprisonment, and the liquors are destroyed.

Sac. 18. In case of an appeal of any party under the preceding section, the penalty of the bond is not less than \$100, with a condition similar to that mentioned in sec. 16.

Sac. 19. All payments or compensations for liquors sold in violation of law, whether in money, labor or personal property, shall be held and considered to have been received in violation of law, without consideration, and against law, equity and good conscience: and in any action at law or equity touching such money, labor, or personal estate, the purchaser, and also the seller of such liquors, may be a witness for either party. And no action at law or in equity shall be maintained for the recovery or possession of intoxicating liquors, or the value thereof, except such as are sold or purchased in accordance with the provisions of this Act.

Sac. 20. The Act takes effect in sixty days after its passage. Its operation commences the 21st July.

NOTES.

In the above brief analysis of the Act, we have not attempted a complete view of all its details, but have endeavored to give a correct outline, so that its general character may be clear, together with a full statement of the most important and peculiar provisions.

The fundamental principle of the Act is the entire prohibition of the manufacture and sale of spirituous liquors for common drink. The only exception is of such liquors as have been imported under the laws of the United States, which may still be sold in their original packages. This exception was introduced because it was understood that under the decision of the Supreme Court of the United States, no State had authority to prevent such sale.

Is this fundamental principle a sound one? If it be not, the law ought not to stand. Legislation certainly ought not to interfere with the conduct of individuals, unless their conduct injures others. Hence any State which should attempt to punish a man for eating or drinking, for wearing expensive clothes, for swallowing poison, or for playing a game of chance, transcends the proper province of legislation. But it is certainly a crime punishable by our laws, to sell a man opium or arsenic for the known purpose of self-destruction. And scarcely any one will deny that stricter laws regulating the sale of such poisons would not be improper.

So, though gambling itself may not be a proper subject of legislative interdict, yet our laws very properly make it a penal offence to keep houses and implements by which others are solicited to indulge in gaming. A person who loses money by gaming, is not indictable, for he injures nobody but himself; but under our laws the winner is indictable, because he has done a wrong to the person from whom he won the money. So we have entirely prohibited the sale of lottery tickets, yet the purchaser of tickets is not punished, but the seller who misleads him.

The pernicious effects of the use of spirits as a drink, are so certain and so great, that the only way to protect the community against these terrible results, is to prohibit the manufacture and sale altogether, and regard them as crimes, as attempts to poison.

The case seems very analogous to that of lotteries. These are entirely prohibited, and the sale of tickets made a crime, not because there is anything criminal in itself in a person's risking a little money on the chance of making a great deal, but because experience has shown that the influence and tendency of lotteries are pernicious.

It is so with the use of ardent spirits. In order to justify the statute, it is not necessary to show that a moderate use of them is in all cases injurious; it is enough if it can be shown, what will not now be denied, that the general use of these stimulants is the origin of an amount of disease, pauperism and crime, compared with which all imaginable good which can be ascribed to them is a mere trifle. No remedy has been devised

against the deluge of intemperance which drowns the whole nation, except the entire prohibition of the manufacture and sale of the source of all this evil. And in this, as in all other cases, individuals must submit to some abridgement of their personal convenience for the sake of the good of the community. If general temperance can be promoted by any individual's voluntarily giving up the use of intoxicating drinks, he ought cheerfully to submit to the deprivation. And he should submit as cheerfully when the law calls for the same deprivation.

Supposing the general principle of the Act to be sound, a new feature which distinguishes it from all past legislation of the State, is the seizure and destruction of liquor illegally held. However new this measure may be in its application to this subject, it is one of quite a common character. The forfeiture of articles illegally held or used, has, from time immemorial, been one of the most efficient means of preventing infractions of law. Thus, articles imported or manufactured in violation of the revenue laws, gunpowder found in places not licensed for its keeping, lottery tickets, gambling utensils, and various other articles, are subject to forfeiture.

This risk of loss from the fear of forfeiture, is likely to prove as useful in preventing the sale of ardent spirits as it has in all other cases. The loss of the contraband article is so appropriate and efficacious a means for stopping the business in it that it seems strange it was never understood before the Maine Law was passed.

The penalties imposed by this Act—a fine and imprisonment—are not severe, considering the nature of the evil it is proposed to reach. It is not until the third conviction, however, when the party has shown a contumacious determination to resist the law, that imprisonment becomes a necessary part of the punishment.

The searches authorized by this Act have been objected to as very questionable in point of principle. But unjustifiable searches are not very probable under the guards of the law. Three voters must swear to their belief of liquor being unlawfully kept, before any warrant can issue. In all other cases of search warrants we believe the oath of a single person is all that is required. Besides, a dwelling cannot be searched without an additional oath of one of the complainants stating the facts and circumstances on which his belief is founded; and unless the magistrate is satisfied that the circumstances stated do show probable ground for the belief, no warrant can be issued. Looking at the practical operation of the law, we cannot see that there is any danger of groundless searches. In regard to dwelling houses, it seems very improbable that such searches should happen without good cause.

Search warrants are authorized by the Revised Statutes Ch. 132, § 1, 2, in the following cases: To search for property stolen or embezzled; for counterfeit or forged money and implements; for obscene books; for lottery tickets, and for gaming implements. See also Ch. 50, § 19, for a similar provision for the seizure of gaming implements.

The forms adopted for complaints and warrants are like those used in cases where lottery tickets are searched for. These forms were approved, and the law was held to be constitutional in the case of *Commonwealth v. Dana*, 2 Metcalf, 329.

An objection has been raised to the Act, that it is inconsistent in allowing spirits to be manufactured for exportation, without any regard to the use to be made of them. This objection, though it comes in the name of temperance, is, in reality, presented by its opponents. But there is really no inconsistency in this course. The amount of spirits required in the arts is now so great that they must be made and sold extensively. Therefore the manufacture, being a legitimate business, Massachusetts cannot, with any propriety, interdict it altogether; and, to attempt to regulate its use in other states, would be altogether improper—since those States must regulate the matter for themselves. We should have heard more objection to this section, if it had forbidden our own citizens to carry on a business, which, by this law, is declared to be a just and necessary branch of trade.

It is proper to make a remark in relation to the jurisdiction of Justices of the Peace. The interest of a magistrate in a penalty, however minute, takes away his jurisdiction of an offence, unless there be a necessity that he should act, as when no other person has jurisdiction of the case. *Pearce v. Atwood*, 13 Mass. Rep., 324. This decision forbids any magistrate from trying an offence against the provisions of section 7, committed in the town of which he is an inhabitant, except in cases where no other magistrate has jurisdiction, as in Nantucket, and in cities where there is no Police Court. See also *Commonwealth v. Ryan*, 5th Massachusetts, p. 90.

It is hardly necessary to say, that the clause imposing upon selectmen the duty of prosecuting, does not take away from individuals the right to do so.

We do not say that the law is perfect, or that it may not require amendment. But we believe that the Act, aided by the exertions of its friends, wherever they are not thwarted by municipal authority, will do an incalculable amount of good.

S T A T E T E M P E R A N C E C O N V E N T I O N .

THE following constitute the essential proceedings of this very important and interesting meeting, which was held in the City Hall, Worcester, on the 23rd and 24th days of June :

W E D N E S D A Y .

The Hall was densely thronged by delegates and friends of the cause of Temperance, to deliberate as to the best means for sustaining the new liquor law passed at the recent session of the Legislature. Fully a thousand persons were present at the organization, and the number constantly increased during the daily sessions. The following were the officers of the Convention :

President,—Hon. MYRON LAWRENCE of Belchertown.

Vice Presidents,—Rev. Dr. Lyman Beecher, Hon. John Tappan, Hon. Samuel Hoar, John I. Baker, Esq., Hon. Elmer Brigham, Hon. Silas Shephard, Rev. Caleb Stetson, Willis Fisher, Esq., Hon. Zenas D. Bassett, Rev. Dr. Osgood, Dr. Charles F. Winslow, Rev. Dr. Smalley, Daniel Frost, Esq., Hon. C. A. Church, Rev. Dr. Hitchcock.

Secretaries,—Jesse W. Goodrich, Benj. W. Williams, William S. Robinson.

Prayer followed from Rev. Dr. Lyman Beecher.

Mr. Lawrence then addressed the Convention, and Rev. Mr. Otheman read a report of the doings of the State Central Committee since their appointment at the meeting in October last, embodying, also, suggestions for the future career of the temperance host in this State.

On motion of Rev. Edward Beecher, the following gentlemen were ap-

pointed the Committee on Resolutions: Rev. Edward Beecher, Rev. Thos. W. Higginson, Dr. Chas. Jewett, Rev. John Pierpont, Capt. Ezekiel Jones, Nathan W. Harmon Esq., and Rev. A. A. Miner.

On motion, voted that the thanks of the Convention be presented to the State Central Board, for their services the past year.

On motion of E. W. Jackson, Esq., of Chelsea, the following gentlemen were appointed a Committee on State Organization: E. W. Jackson and Joseph H. Allen of Suffolk County, John I. Baker of Essex, Samuel Hoar of Middlesex, Edwin Thompson of Norfolk, George T. Fobes of Bristol, Rev. Mr. Rockwood of Plymouth, Dr. Winslow of Nantucket and Dukes, Rev. Mr. Marsh of Barnstable, Jesse W. Goodrich of Worcester, Elias Carter of Hampden, Daniel Frost of Franklin, Eleazer Porter of Hampshire, Rev. Mr. Lazelle of Berkshire.

On motion of Joseph H. Allen of Boston, Messrs. Allen and Milton Austin of Boston, John F. Gleason of Worcester, Rev. Mr. Tillotson of Worcester, and Rev. Mr. Forbush of Upton, were appointed a Committee on Credentials.

On motion of William A. White, Esq., of Watertown, Messrs. Myron Lawrence of Belchertown, Samuel Hoar of Concord, William A. White of Watertown, George F. Hoar of Worcester, Nathan W. Harmon of Lawrence, Daniel Frost of Orange, and Horace E. Smith of Chelsea, were appointed a Committee on the Execution of the Law, being also charged with the preparation of blanks, &c.

On motion of Rev. Mr. Clark of East Boston, Messrs. Clark, Edward Otheman of Chelsea, Edward Beecher of Boston, Charles Jewett of Millbury, Horace E. Smith of Chelsea, Rev. G. A. Oviatt of Chicopee, and Wm. Hyde of Ware, were appointed a Committee to prepare a State Address.

E. W. Jackson, Esq., of Chelsea, next read letters of approval of the objects of the Convention, from Hon. Messrs. Orin Fowler, Robert Rantoul, Jr., and Horace Mann, which were received with warm applause. We publish the letters below:

LETTER FROM HON. ORIN FOWLER.

{ HOUSE OF REP., U. States,
{ WASHINGTON, June 8th, 1852.

E. W. Jackson, Esq.,

My dear Sir,—Yours of the 4th inst, inviting my attendance at the proposed State Temperance Convention at Worcester, is in hand. It would give me great satisfaction to be present and participate in the services on that most important occasion; but my duties here will deprive me of the opportunity. I hope you and all the friends of the new law will be fully prepared for the noble work of carrying into full effect that most beneficent Statute—a Statute which, if faithfully executed, will add much to the high renown of our cherished Commonwealth.

I have the honor to be,

Very truly, yours,

ORIN FOWLER.

LETTER FROM HON. ROBERT RANTOUL, Jr.

WASHINGTON, June 12, 1852.

Gentlemen,—I have had the honor to receive your invitation to be present at the gathering of the friends of temperance on the 23d and 24th inst. It would give me great pleasure to join you on that occasion, but indispensable engagements will prevent it. Be assured, however, that my whole heart is in the great work than which none that is nobler, worthier, holier, could be undertaken by men.

The great object of government is the protection of life, liberty and property. That it is not only a right, but an imperative duty, to suppress any trade or practice whose principal effect is the destruction of these, I have never doubted, nor do I doubt that your purpose will be ultimately accomplished.

With the highest respect, and strongest sympathy, I remain

Your obt. servant,

R. RANTOUL, Jr.

Gentlemen of the State Committee.

LETTER FROM HON. HORACE MANN.

Rev. E. W. Jackson,

Dear Sir,—I have received your kind invitation to be present at the State Temperance Convention, to be held at Worcester, on the 23d and 24th inst. I think you know that I should be most happy to be present, if compatible with the discharge of duties elsewhere. You know also the duties I refer to.

The temperance cause in Massachusetts has reached a crisis which has no parallel in its past history. The time for relying upon expostulation and remonstrance has passed by, and the hour for action has come. I read the debates in our Legislature, at its late session, and was most deeply impressed by their logic and eloquence; but it was *votes* and not *oratory* which triumphantly carried through the "Maine Law," and it is *action* and not *words* that must sustain it. The cause has had as earnest laborers before as now. The difference is not in the laborers, but in the instruments. For two hundred years the pages of our Statute Books, at brief intervals, have been covered with laws against the illicit traffic in intoxicating beverages. Now, thank God, we have a law against the beverage itself. Under the old system, a man was occasionally punished for selling a glass or a pint of rum, while he dealt out hogsheads and puncheons, undetected, and of course, with legal impunity. Now the law reaches, not only the offender, but his hogsheads and puncheons. The former laws attempted to cope with the evil on a petty retail principle. It expressly allowed sales, provided they were made in large quantities, forbidding them only when made in small ones. The present law attacks the evil on a grand, broadside, wholesale principle. It does not go into court complaining of gill-cups; but bravely and nobly seizes upon all a man may have on hand, be it distil-houses or ship-loads. The one was a miserable and an endless warfare, just pricking and enraging the hydra-headed monster it attacked; now and then perhaps, cutting off one of his heads, which immediately sprouted out anew—but this law draws the very life-blood of the foe. As having quantities of counterfeit money on hand may be received as evidence of an intent to pass it, so having quantities of intoxicating liquors on hand is made evidence of an intent to sell it, and with equal justice, in both cases, the possessor is punished, and the evil commodity confiscated.

So, too, under the old laws, the offender could pay when found out, and still make so much money when not found out, as to pocket a large balance of profits. But this law, by destroying the stock on hand, abolishes the fund out of which he used to get his reimbursement.

Besides, it is well known that formerly, it was a very difficult thing to obtain a conviction. We were harrassed by constant failures. The grand jury might refuse to indict through some defect of evidence. The traverse jury might refuse to convict through the disagreement of some juror, who over-rode both law and evidence. And I have known witness, whose faces must have been twenty years in receiving their deep coats of varnish, to swear they did not know how brandy tasted. Thus the weapon broke in our hands, and not unfrequently wounded him who wielded it. But here, the dumb fiend itself is forced to testify. A drunken witness is not called into court to equivocate or perjure himself; but the liquid devil is forced to attend bodily, to make confession of all the crimes he was about to commit prefatory to being executed. And how much better to do execution up on the rum than to allow a man to drink it, and then execute him!

Human law has no direct power to control a diseased appetite. We may punish the retailer for selling, and imprison the drunkard for getting drunk; but as soon as the victim is released from his confinement, the retailer kindles the appetite anew. We have tried this method of reform for more than two centuries, and yet we are not at all advanced beyond the starting place—probably are behind it. Now we have found that though we cannot knock a human passion on the head, yet we can knock whiskey barrels on the head, and thus balk the passion, and save its victims.

The friends of temperance, then, I say, have achieved a position entirely new. The "Maine Law" is as great a discovery in morals, as steam was in physics. We now have an instrument of vast power, which a single man can put in motion. And is it possible that there can be, any where, within the boundaries of old Pilgrim Massachusetts, a single rendezvous of all the curses and crimes that torment society, which has not some "follower of God and friend of human kind" near by, who will apply the torch and send it to quick destruction? For this purpose the whole State must be thoroughly organized, county, town, city, ward, &c. Wherever an enemy lies in ambush, watching his opportunity to spring forth and destroy the happiness and peace of society, there let a company of faithful sentinels be placed to resist and defeat him.

There is another consideration which shows the immense importance of our present position. If we are defeated with existing advantages, under what imaginable circumstances can we ever triumph? Death or an immortality of life now impends over the cause. If we are beaten, what *corps de reserve* have we to bring forward, what citadel to retreat to? So, too, of our opponents. If vanquished now, they can never rally. If they are driven from their present baleful traffic and manufacture, they will invest their skill and capital in some new department of business, honorable to themselves and useful to the community: will draw around them a more profitable, because a temperate set of customers, and, in the end they will rejoice, and thank us, for the change they were constrained to make.

Permit me to say a word on another topic. The most serious obstacle to be encountered under the new law, is the revenue law of the United States. We cannot attack foreign liquors, until the parcels which have paid a duty, are broken up, and are mingled with the commodities of commerce. Hence great quantities of liquor will claim exemption, under certain circumstances, and must have it. How can this obstacle be removed? Only by sending such temperance men to Congress as will alter the revenue law, pronounce the foreign article contraband, (with proper limitations) and leave us only the domestic foe to contend with. But such men will never be voted into Congress, until the "Maine Law" shall be adopted by the individual States, or at least by enough of these to command a majority of the Congress members. What can be hoped of a Congress where members may be seen with a glass of brandy and water before them while speaking, the effect of which soon becomes as perceptible to the judgment as to

the eye of the hearer? What can be hoped of a President and Senate, when but a short time since, we had three foreign ministers, at three European courts, each of whom was a notorious drunkard, and one of whom was so permanently drunk, that it is said he never was presented to the sovereign to whom he was sent? And what, without great reform, can be hoped of a country, in many parts of which it is no objection to a candidate for office, that he is notoriously intemperate? All these things counsel prudence, vigilance, energy, and indefatigable perseverance. We are warned and we are encouraged. Let us hope for the best, and strive to win it. Let us fear the worst and strive to avert it. Let all the impulses of hope and fear be guided by conscience, and re-inforced by a sense of duty to God and man, and the songs of a regenerated world will be our reward.

Yours, very truly,

H. MANN.

Washington, June 21st, 1852.

Mr. Cary, from Committee on Nominations, reported the following Finance Committee: Moses Mellen, Joseph H. Allen, and Wm. H. Willson, all of Boston.

E. W. Jackson, on State Organization, reported in favor of the appointment of seven persons, to be known as the State Temperance Committee, to be centrally located, and to have charge of all the movements of the campaign; that three from each county be nominated as a County Committee until such Committee is appointed by a County Convention; also that a committee of one from each town be appointed to act in connection with the County Committees until said town shall appoint for itself. The report was accepted.

Rev. Edward Beecher, from the Committee, reported the following Resolutions at different stages of the meeting, which were unanimously adopted:

Whereas, the Word of God, the results of scientific investigation, the voice of history, as well as our own observation and experience, all unite in declaring the use as a beverage, of all intoxicating liquors, to be unnecessary and dangerous to individual virtue, the fruitful source of vice, poverty and crime, and hurtful to all the interests of society and man, therefore

Resolved, That the manufacture and distribution among men, of such intoxicating liquors, to be thus employed, is a crime against society, which should be forbidden and punished by law.

Resolved, That as friends of humanity, of religion, and of our country, we rejoice that these principles have at length been embodied in the law enacted by the Legislature of this State, at their last session, for the suppression of the sale of intoxicating drinks. That we regard this law as eminently adapted to gain the true ends of human legislation, the defence of the pecuniary interests, the morals, the religion, the liberty, and the general welfare and happiness of the community. That therefore we regard it as eminently invested with righteous authority as an ordinance of God, designed and adapted to be a terror to evil doers, and a praise to them that do well.

Resolved, That never has there been a case, when we consider the magnitude of the interests involved, the evils to be averted, and the good to be secured, in which every member of this Commonwealth was more loudly and imperiously called upon to prove himself not only a good and law-abiding citizen, but a resolute and earnest defender and executor of the law.

Resolved, That the Legislature by whom the law has been enacted, and especially those by whose unremitting labors and influence it was matured and sustained, deserve the grateful acknowledgements of the community, for preparing and placing in their hands so powerful an instrument for the promotion of the public good.

Resolved, That we congratulate the patrons of every other philanthropic and benevolent enterprise, and the friends of intellectual, moral and social progress, in view of the accession of strength which must result to them from the enforcement of a law so eminently adapted to remove the chief obstacles to the execution of their plans, and the great and principal source of moral, political and social evils. And that on this as well as on other accounts, we invite them to declare themselves openly as the friends, and earnest supporters of the law.

Resolved, That our confidence in this law is so great, that we believe it can now only fail through the fault of its friends, not its own fault; that it brings us, therefore, not only triumphs, but duties; that it will test, as nothing has ever before tested, the moral condition of Massachusetts.

Resolved, That the temperance men of Massachusetts are fully aware of the responsibility they have assumed in obtaining the passage of the law; they know that the duty of enforcing it must begin with those who have desired, labored and prayed for it, and they do not shrink from the consequences.

Resolved, That we may, nevertheless, justly appeal to all classes of the community, to co-operate in this duty; to the statesman, by his love of peace, order and prosperity; to the lawyer, by his regard for the just restraints of righteous laws; to the physician, by his concern for the health of the body; to the clergyman, by his zeal for the health of the soul; to the farmer, mechanic and merchant, by the thought of their own moral welfare and that of those in their employ; to the mother, wife and sister, by all their experience of the blessedness of purity and the woes of sin; we appeal to one and all of these, whatever their previous indifference to the cause of temperance to join in one mighty effort for its triumph now.

Resolved, That when the members of this Convention go hence, they go as a band of apostles, to carry to every part of the community these convictions, with a firm purpose of discharging the duties which they involve and impose.

Resolved, That inasmuch as the pernicious influences of the liquor traffic upon life, health, morals and religion, and upon all other interests of the body politic which it is the object of constitutions and laws to protect, are too notorious to be denied, and as the uniform experience of a sister State has thus far clearly evinced the benign effects of the law, we trust that any persons of good reputation, and who desire to be the friends of morals, religion, liberty and laws, but are still implicated in that traffic, will withdraw at once from such bad associations, and unite with the friends of the law in yielding it an earnest and hearty support.

Resolved, That although we consider the new Temperance Law as fixed and established, and believe that the people of Massachusetts will regard it, not as an experiment, but as a permanent step in State Legislation; we yet warn the friends of temperance that its foes are always on the watch, and that precautions must be taken against any attempts to renew the opposition to the law at the next State election.

Resolved, That all friends of temperance in this Commonwealth are earnestly exhorted to attend the primary meetings of the various political parties to which they may belong, and there use their influence to secure the nomination of such men to fill public stations as are known to be the firm friends of the present anti-liquor law.

Resolved, That the members of this Convention do solemnly pledge themselves to each other, and the world, that in the future exercise of their suffrage, they will in no case cast their votes for men, whose election would hazard the existence or efficient enforcement of our law for the suppression of the liquor traffic.

Resolved, That this law embodies no new principles of legislation, but simply a new application of principles as old as legislation itself, and often embodied and applied in previous legislation on this, as well as on other subjects, in this State, and is based upon a principle at the foundation of society, which can only be surrendered in the death of society; to wit: that society has a right to protect itself, and that public welfare is paramount to personal interest or individual gratification.

Resolved, That in the judgment of this Convention, the success of the new temperance law depends, under God, very much on the power of a periodical press, which shall be superior to the temptations of political and party interests, and that it is therefore the duty of temperance men to patronise, and encourage others to patronise, the various temperance journals of the State.

Resolved, That in the opinion of this Convention, the time has come for the temperance citizens of Massachusetts to petition the General Government of this nation to repeal the laws authorizing the distribution of spirit rations in the Navy of the United States.

Resolved, That the temperance men of Massachusetts desire to take this opportunity of publicly expressing their gratitude to the State of Maine, the native soil of the admirable statute over whose passage we rejoice; and especially to NEAL DOW, its parent and administrator, a man honored in two continents, but not beyond his deserts. We rejoice to know, that, though defeated, he still triumphs through his law, whose merits are now best vindicated by its success as administered by his successor in the city of Portland.

Resolved, That the Convention congratulates itself in the confident assurance of the hearty co-operation of all the magistrates of the towns and cities, and officers of the law, within the Commonwealth, in the enforcement of this righteous law. Their fidelity to their official obligations has been too often tested not to give ample evidence of their zealous readiness to support the laws.

Resolved, That the time has arrived for the temperance community to petition the General Government to prohibit the importation of wines and intoxicating liquors to be used as beverages.

Resolved, That the clergymen of the State be, and are hereby urgently recommended to deliver to their people a discourse in favor of the new temperance law of Massachusetts, sometime before the 21st day of July next.

Resolved, That while we express our gratitude to the various human agents to whom we are indebted for the law in whose behalf we are assembled, we would not overlook our superior obligations to the Giver of every good and perfect gift. We gratefully recognize his providence in the origin and wonderful progress of the temperance movement, which so eminently distinguishes and honors the present age, and in the course of events, which has conducted us to our present hopeful position, and we would humbly rely on Him for the wisdom, courage, energy and perseverance which are needed to conduct the enterprise in which we are engaged to a triumphant and permanent victory.

Rev. John Marsh, of New York, congratulated the Convention on the passage of the liquor law, and expressed the confident belief that New York would soon possess the same beneficent Act.

Rev. Mr. Otheman read from the *Massachusetts Life Boat*, a card from the Selectmen of Fall River, notifying "all whom it may concern," that they would enforce the new law, &c. The announcement was received with tremendous applause.

The Finance Committee being about to proceed to the duty of a collection to defray expenses, remarks tending to encourage a generous liberality, as well as on the general subject, were made by the Chair, Charles W. Dennison of Boston, Edwin Thompson of Walpole, Rev. Dr. Osgood of Springfield, John Tappan of Boston, Samuel Hoar of Concord, Rev. Rufus W. Clark, of East Boston, E. W. Jackson of Chelsea, and Dr. Gilman of Maine.

Rev. Mr. Otheman from the Nominating Committee reported the following gentlemen to constitute the

STATE TEMPERANCE COMMITTEE.

Rev. T. W. HIGGINSON,	<i>Newburyport,</i>
W. B. SPOONER,	<i>Boston,</i>
Rev. EDWIN THOMPSON,	<i>E. Walpole,</i>
JAMES H. EATON,	<i>Malden,</i>
B. W. WILLIAMS,	<i>Boston,</i>
W. R. STACY,	"
JOSEPH H. ALLEN,	"
Rev. EDWARD OTHEMAN,	<i>Chelsea,</i>
Rev. E. W. JACKSON,	"
Dr. CHARLES JEWETT,	<i>Millbury,</i>
JOHN I. BAKER,	<i>Beverly,</i>

The names of the last four gentlemen were added on motion of Hon. Mr. Hoar, and the report, with the addition, was unanimously accepted by the Convention.

Rev. Mr. Pierpont made a short but effective speech in support of the principle contained in the new law. He said it was an old principle with a new application.

Rev. Mr. Brewster of Lowell, followed with a short, spirited speech, after which

Rev. Dr. Lyman Beecher took the stand, and was received with overwhelming applause. He announced himself a firm and fast friend to the new law, and exhorted his friends to stand by it and see that it be executed. Every word of the venerable apostle in the cause was listened to with the most intense interest.

After singing the Doxology, "From all that dwell below the skies," in which the great audience joined, making a chorus grand and powerful, the Convention adjourned at 10 o'clock, to meet in the morning, at 9 o'clock.

T H U R S D A Y .

The President, Hon. Myron Lawrence, in the chair.

Convention called to order at 9 o'clock precisely.

Prayer by Rev. John Pierpont.

Voted, on motion of Rev. Mr. Oviatt of Chicopee, that the County Committees have power to enlarge their number to five.

Rev. Rufus W. Clark reported for the Committee the following State Address which was adopted by acclamation. Mr. Clark was frequently interrupted during the reading of the Address with torrents of applause. Its sentiments were responded to with the utmost enthusiasm.

ADDRESS

OF THE MASSACHUSETTS TEMPERANCE CONVENTION, HELD IN WORCESTER,
JUNE 23d AND 24th, TO THE CITIZENS OF THE COMMONWEALTH.

GENTLEMEN:—

WHILE we congratulate you upon the passage of the Massachusetts law, for the suppression of the liquor traffic throughout our State, we feel that this measure imposes upon all the friends of Temperance new and solemn responsibilities. In the providence of God an instrument is placed in our hands with which we may smite, with a deadly blow, the monster intemperance, and forever rid the community of its fearful ravages. We have the power to close the dram shops and bar rooms that have so long cursed the Commonwealth—to take from the unfortunate victims of intemperance, the temptation to gratify their burning appetites—to restore peace and happiness to wretched families, and to save the rising generation from that fearful vortex which has swallowed up tens of thousands of our promising youth. We have the opportunity granted to us of bringing our forces to bear, where they ought to bear, upon the article itself that has caused the mischief. We may, by the aid of this law go behind the rumseller, and attack his rum. We may make war upon his munitions of war—spike his guns and blow up his magazines. Instead of man, God's image lying in the gutter, we can make alcohol take its turn to lie in the gutter. Instead of asking, with feeling of almost despair in view of the horrors of intemperance, what shall we do, the Massachusetts Legislature has pointed out to us what to do.

Upon us therefore rests the vast responsibility of executing this law, a law which we pronounce the greatest, noblest and best gift, that the government of this honored Commonwealth ever presented to the people.

Let this law be faithfully executed, and we shall experience the same blessings that are enjoyed in our sister State, which has the high honor of having originated this legal movement. Every department of industry, trade and commerce will be benefitted. All classes, especially the poor and laboring classes, will feel its salutary effects. The pecuniary interest of all will be promoted, except, perhaps, of those who have lived upon the vices of their fellow men, and filled their coffers with money covered with the tears of orphans, and the blood of broken hearts. Our taxes will be reduced. Pauperism, crime, and the various forms of misery, will be greatly lessened. Property will be more secure against the midnight incendiary. Life will be more effectually protected. Every other moral enterprise will receive fresh stimulus and encouragement from success in this. The good order of society, reverence for law, the hopes of humanity, and the interests of religion will be advanced. This measure will be "a voice crying in the wilderness, Prepare ye the way of the Lord."

Nor will the benefits of the execution of this law be confined to our own State.

Thousands and tens of thousands throughout the country are looking at this moment with intense interest upon Massachusetts. The question all over the land is, will the law be executed? Is there moral power enough in the old Bay State to enforce this noble statute?

Already have Rhode Island and Minnesota, with us, followed the glorious example of the Maine State, and let us present a united phalanx in the cause, and the demon alcohol must fall in every State in our Union. The death knell of the monster is sounded. Victories achieved in this contest in Boston, Salem, Worcester, and other cities, will be to the temperance reformation, what the battles of Lexington, Concord, and Bunker Hill were to the American Revolution. They will arouse the friends of temperance in every state in the Union. The news will cheer the faint hearted, strengthen the weak, fill, with zeal, thousands of hearts, kindle a fire that shall continue to burn until the last remnant of intemperance shall be consumed.

When the declaration of independence was announced a thrill of joy went through the land. But every patriot felt that the great struggle for freedom was yet to come, that a nation would not be born, that a republic would not be established, unless every man was ready to do his duty. We have gained our law, and it has been hailed with joy by the friends of virtue, of humanity, of God. But the work of its execution remains to be achieved. Men of Massachusetts, descendants of the Pilgrims, are you ready to pledge your lives, fortunes, and sacred honor, that, God helping you, you will execute this law? The question is a solemn one. It involves interests vast as eternity. The battle is one for principle, for humanity, for God. Let us be united, firm, resolute, and the victory is ours. The lightning will carry the tidings over the Union that Massachusetts is free. The shouts of an emancipated State will go up to Heaven. The benediction of aged fathers, and the blessing of mothers, wives and children will rest upon you. You will aid in stamping upon this age a reform, the blessings of which will flow down the stream of time and roll over eternity.

To accomplish this object, we would urge you to hold Conventions, organize by efficient committees and other means, and embody, in the most executive form, public opinion in favor of the law. Let the State organization also be cordially sustained, that the greatest efficiency may be given to its operations. Remember that the 21st of July is the day on which the law goes into effect. Could there be a simultaneous movement throughout the State at that time, a decisive blow would be struck that will throw dismay and confusion into the ranks of our opponents. Should the attempt be made to repeal this law, we sincerely hope that the entire temperance force of the State will be thrown against such a measure at the ballot box, and that every legal and moral means will be used to retain the law in full

force upon the statute book. Recognizing as we do, the right of society, to protect by legal enactments, the health, property and lives of citizens—regarding this law as in accordance with the soundest principles of legislation, and as dictated alike by humanity, justice, and christianity, we should together be recreant to our duty as patriots, should we fail to give to it our entire and undivided political support.

With our fervent prayers to almighty God that he will graciously aid us in this struggle, and grant us success, we recommend to you, one and all, the adoption of the following sentiment: "Sink or swim, live or die, survive or perish, I give my heart and my hand to the" execution of the Massachusetts Temperance Law.

For the Committee,

RUFUS W. CLARK, CHAIRMAN.

Voted, That the Finance Committee proceed to collect funds. Remarks upon this subject were made by Moses Mellen, Rev. Mr. Otheman, Rev. E. Thompson, Daniel Frost, George W. Bungay, and Rev. Dr. Beecher. Mr. Bungay proposed that pledges from individuals and towns be called for, and on motion of Rev. Rufus W. Clark, this course was adopted.

Here followed an interesting and animating scene, which resulted in securing a large sum of money to be placed in the hands of the State Temperance Committee.

Dr. C. F. Winalow of Waltham, presented the following resolution which was adopted.

Resolved, That the Address of the Convention to the people of the Commonwealth be referred to the State Committee, for publication in convenient pamphlet form, together with such other documents as they shall see fit to publish, including the Massachusetts Anti-Liquor Law, and the proceedings of this Convention; and that they be requested to send to the County Committees for distribution, free of expense, as many copies as they may think necessary for the good of the cause.

Rev. Dr. Hitchcock presented the following action of the General Association of the Orthodox Congregational Ministers of Massachusetts:

At a meeting of the General Association of the Orthodox Congregational Ministers of Massachusetts, held at Lowell, June 23, 1852, it was voted that Rev. Edward Hitchcock, D. D., and Rev. Messrs. C. Mann, and G. P. Smith, be appointed delegates to the Convention of the friends of temperance, which is now in session at Worcester, and be charged with the transmission of certain resolutions adopted by this Association, in reference to the subject under deliberation in that Convention.

Lowell, June 23, 1852.

Attest: HENRY M. DEXTER, SCRIBE.

Resolved, That this Association cordially approve of the law recently passed by the legislators of the State, called the "Liquor Law," and soon to go into operation.

Resolved, That as ministers of the gospel, we will ourselves yield to the requisitions of this law, and do all we can to induce others to sustain it.

Resolved, That we have strong confidence in the ability and disposition of a large majority of the population of the State to give such an efficient execution to this law as will secure to the community the great benefits it is adapted to confer.

Resolved, That there is nothing in this law, however thoroughly executed, that should prevent the continued use of those moral means which have already accomplished so much in the cause of temperance.

Resolved, That these resolutions be signed by the Moderator and Scribe, and transmitted to the Temperance Convention now sitting at Worcester.

A true copy of the record.

Attest: JOHN WOODBRIDGE, *Moderator*.

HENRY M. DEXTER, *Scribe*.

LOWELL, June 23, 1852.

Rev. Mr. Smith of Lowell, remarked that the clergymen who passed the above resolutions were in favor of executing the law.

Voted to publish them with the proceedings of the Convention.

Hon. John Tappan of Boston, was, at the suggestion of Rev. E. Otheman, from the State Committee, appointed General Treasurer.*

Rev. E. W. Jackson of Chelsea, announced that Hon. Neal Dow had sent word, that, owing to sickness in his family, he could not be present at the Convention.

The following resolution, prepared by Hon. Silas Shepard of Taunton, was presented to the Convention, and referred to the Committee on the Execution of the Law.

Resolved, That it is reasonable to suppose the friends of temperance in the several cities and towns of this Commonwealth, will expect from the collected wisdom of the Convention, some advice as to the best method of executing our new liquor law. Although it may be true that the different circumstances that exist in the several cities and towns may require different organizations and measures to be adopted, it is the opinion of this Convention that, generally, the most mild and less stringent measures that will effect our object should first be adopted.

In the eighth section of this law it is enacted "that it shall be the duty of the mayor and aldermen of any city, and the selectmen, or any one of them, of any town, to commence an action, in behalf of said city or town, against any person guilty of a violation of any of the provisions of this Act, on being informed of the same, and being furnished with reasonable proof of the fact." In cities and towns where these officers are willing to perform the duties imposed upon them by this section, the friends of temperance have only to furnish them with the evidence of a single sale of prohibited liquor, to convict the seller, and put him under bonds of \$1000 that he will not repeat the offence during one year.

It is believed that few men who have given such a bond will continue the traffic. Where we have reason to believe liquors are secretly sold, it may be necessary to resort to the more stringent provisions of complaint, search, warrant, seizure, and confiscation of the liquors.

Remarks by Silas Shepard, Rev. Mr. Clark and B. C. Dunbar.

Mr. Willson of Boston, from the Nominating Committee, reported the following, as a permanent Committee on Finance:

PERMANENT FINANCE COMMITTEE.

COUNTY.	NAMES.	RESIDENCES.
Suffolk,	Charles Tappan,	Boston.
Norfolk,	Otis Cary,	Foxboro.
Essex,	Stephens Baker,	Beverly.
Bristol,	Oliver Ames, Jr.,	Easton.
Barnstable,	Z. D. Bassett,	Hyannis.
Dukes,	Capt. Daggett,	Holmes Hole.
Nantucket,	David Train,	Nantucket.
Middlesex,	Samuel Hoar,	Concord.
Worcester,	P. L. Moen,	Worcester.
Franklin,	A. G. Hammond,	Greenfield.
Hampshire,	J. P. Williston,	Northampton.
Hamden,	Chas. O. Chapin,	Springfield.
Berkshire,	Geo. N. Briggs,	Pittsfield.
Plymouth,	James Ford,	Abington.

*The State Temperance Committee hereby give notice that Mr. Tappan has declined the office of Treasurer, in consequence of other engagements, and they have elected Moses Mellen, Esq., of Boston, in his place.

The several County Delegations met during the sitting of the Convention, and appointed the following

COUNTY COMMITTEES.

SURREY.—Rev. Ed. Otheman and E. W. Jackson, of Chelsea, W. H. Willson, of Boston. **ESSEX.**—Rev. N. Fieber, of Salem, N. W. Harmon, of Lawrence, Joshua P. Trask, of Gloucester, William D. Thompson, of Lynn.

NORFOLK.—Samuel A. Walker, of Brookline, Rev. E. Thompson, of E. Walpole, Perez W. Cushing, of Randolph.

Bristol.—Geo. T. Forbes, of New Bedford, B. C. Dunbar, of Easton, James W. Earle, of Attleborough.

Berkshire.—Franklin Chamberlain and Rev. A. Gale, of Lee, Dr. H. L. Saben, of Williamstown.

Hampden.—N. T. Leonard, of Westfield, Rev. Geo. A. Orvatz, of Chicopee, John Hamilton, Geo. Merriam and Ed. Southworth, Jr., of Springfield.

Hampshire.—Hon. B. Barrett and J. P. Williston, of Northampton, Rev. Mr. Wolcott, of Belchertown.

Barnstable.—Francis Kern, of Sandwich, Walter Crocker, of Barnstable, David Fairbanks, of Provincetown.

Franklin.—Daniel Frost, of N. Orange, Rev. Wm. F. Lecompt, of Deerfield, Rev. G. M. Adams, of Conway.

Plymouth.—Rev. Mr. Rockwood, of Hanson, Rev. Mr. Tomlinson, of Plymouth, Abner Harlow, of Mattapoisett.

Worcester.—Elmer Brigham, of Westboro', Augustus G. Hill, of Harvard, Putnam W. Taft, of Worcester.

Nantucket.—Rev. J. G. Forman, C. G. Coffin and Isaac Curtis, of Nantucket.

Middlesex.—Dr. Bartlett, of Concord, Joseph White, of Lowell, Dr. Bellows, of Charlestown.

Dukes.—Hon. Thomas Bradley, of Holmes Hole.

Hon. Myron Lawrence, from the Committee on the Execution of the Law, offered the following report, which was accepted:

REPORT.

The duties with which the Committee had been charged were manifold and important, involving the most solemn responsibilities. To draw up the requisite legal forms and blanks for the use of temperance men, in enforcing the law, required a great deal more time than was at the disposal of the Committee. The work, to be effectual, must be done thoroughly, perfectly, so that the most searching legal eye could find no flaw in it. It required deep thought, consultation with most eminent legal talent, and access to a large law library. He, Mr. Lawrence, would charge himself with the preparation of the forms, aided by an eminent legal gentleman who has occupied a seat on the Supreme Bench. They would be ready in due time to be distributed according to the resolutions already passed.

On the subject of licenses, the Committee entertain no doubt. They believe that the licenses which have been granted are invalid the very moment the law takes effect. (Tremendous cheers.) Notwithstanding this opinion—the Committee go on to say—and notwithstanding the analogies of the law, and of previous decisions which go far to satisfy them beyond a reasonable doubt, others may and do doubt the soundness of this conclusion. The question will be contested, and warmly contested, if brought into the courts.

Seeing this, the Committee recommend that temperance men had better confine their attention, at first, to cases that are manifestly illegal, about which there can be no question.

The Committee say that they are clear in the opinion that Justices of the Peace, in the town where an offence was committed, cannot try the case, because, according to the terms of the law, the fines inure to the benefit of the town, and that interest in the result of a case, however remote it may be, incapacitates any Justice from presiding at the trial.

The milder processes of law are recommended to be tried first, and only the

stronger means in those cases where there is no hope of reformation or of obedience to the requirements of the law.

Another matter. The Committee recommend that selectmen shall see to it, where agents are appointed, that they be instructed and required to keep open books, accessible to the public. The books should contain a full account of their business; giving place, date, the names of their customers, the articles sold, for what purpose, by whom prescribed if bought for medicine, the quantity sold to each customer, the amount paid for it, and whatever else may be necessary to a full understanding of each transaction.

Remarks were made by Rev. Dr. Osgood of Springfield, Dr. Gilman, Mr. Babcock of Douglass, Dr. Cutter of Warren, Rev. Mr. Tillotson and Dr. Edward Beecher of Boston.

Rev. Mr. Tillotson read the following resolution, adopted by the Universalist Reform Association, which was received unanimously by the Convention.

Resolved, That we hail with feelings of peculiar satisfaction the enactment in this Commonwealth, in Rhode Island, and in New Brunswick, of the Maine Law, rejoicing to see the broad shield of these States held up to protect the weak, the tempted, and the distressed; and hope it will be a sword wielded as a terror to evil doers. Judged by its theory and operation, we are ready to pronounce the law, in its main principles, "holy and just;" and we esteem it our duty to put forth every becoming effort to cause it to be thoroughly enforced, and thus "to magnify the law and make it honorable."

On motion of Hon. Samuel Hoar of Concord, the following resolution of thanks to the citizens of Worcester, was adopted.

Resolved, That the thanks of the Convention be presented to the citizens and to the city government of Worcester, for their truly liberal and bountiful hospitality and kindness to the members of this body, at the dwellings of the citizens, and for the free use of their large and commodious hall, for the transaction of their business.

On motion of Dr. Jewett, the following resolution was unanimously adopted.

Resolved, That the thanks of this Convention be given to Hon. MYRON LAWRENCE, for the able and impartial manner in which he has presided over its deliberations, and aided in bringing it to an auspicious issue.

On motion of Rev. E. Otheman, voted that the thanks of the Convention be presented to the ladies of Worcester for their interest in the meeting, in trimming the hall for the gratification of the members.

The Committee on Credentials announced that they had enrolled in a book the names of 1370 delegates, and placed the same in the hands of the State Committee.

The Finance Committee announced that they had raised in cash and subscription, the sum of \$2030.

The President, Hon. Myron Lawrence, offered eloquent and appropriate closing remarks. Prayer was then offered by the venerable Dr. Lyman Beecher, after which the whole audience joined in singing, in one grand chorus, the doxology, "From all that dwell below the skies," &c.

The Convention then adjourned, *sine die*.

MYRON LAWRENCE, PRESIDENT.

J. W. GOODRICH, }
B. W. WILLIAMS, } *Secretaries.*
WM. S. ROBINSON, }

[COMPLAINT.]

Commonwealth of Massachusetts.

ss.

To _____ within and for the County of _____
 of _____
 in said County,

on the _____ day of _____ in the year of our Lord
 one thousand eight hundred and fifty _____ in behalf of said Commonwealth,
 on oath complain :— That _____ of
 _____ in said County, _____ on the _____
 day of _____ at said _____ not being duly
 appointed by the _____ as agent of said
 to sell therein spirits, wines, or other intoxicating liquors, did

sell a quantity of spirituous liquors therein, to wit :—

against the peace of the Commonwealth, and contrary to the form of the Statute
 in such case made and provided.

ss.

On the _____ day of _____ aforesaid, the said
 _____ makes oath that the
 above complaint, by _____ signed, is true.

Before me,

22

[COMPLAINT TO SEARCH.]

Commonwealth of Massachusetts.

ss.

To _____ within and for the County of _____
 being voters in said _____ on the _____
 day of _____ in the year of our Lord one thousand eight hundred
 and fifty- _____ in behalf of said Commonwealth, on oath complain, that they
 have reason to believe, and do believe, that on the _____ day of
 _____ in said year, at said _____ spirituous or
 intoxicating liquors were and still are kept and deposited in
 situated in said _____ occupied by one _____
 and intended for sale by him the said _____ the said
 not being authorized to sell the same in said _____

under the provisions of the act entitled "An Act concerning the manufacture
 and sale of spirituous or intoxicating liquors," whereby said liquors have
 become forfeited to be destroyed, and said _____ by reason
 of the premises, has incurred and become liable to pay a fine of twenty dollars
 to the use of said Commonwealth, and costs of prosecution, or to be imprisoned
 thirty days in default of payment.

We therefore pray that due process may be issued to search said _____
 where said liquors are believed to be deposited; and
 if there found, that the same may be seized and safely kept until final action
 and decision be had thereon; and that the said _____
 may be summoned forthwith, to appear before the said Justice, to make answer
 to this complaint, and to do and receive such sentence as may be awarded
 against him.

ss.

On the _____ day of _____ aforesaid,
 the said _____ make oath that the above complaint,
 by them signed, is true.

Before me,

[SEARCH WARRANT.]

Commonwealth of Massachusetts.

ss.

*To the Sheriff of our said County of
or either of his Deputies, or either of the Constables of
or either of the towns within said county,*
GREETING.

Whereas

being voters in said
on the _____ day of _____
A. D., 185 _____ in behalf of said Commonwealth on oath complained
to the undersigned
in and for said county, that they have reason to believe and do believe that on
the _____ day of _____ in said year at said
spirituous or intoxicating liquors were
and still are kept and deposited in _____ situated
in said _____ occupied by one

and intended for sale by him the said
the said

not being

authorized to sell the same in said
under the provisions of the Act entitled "An Act concerning the manufacture
and sale of spirituous or intoxicating liquors," whereby said liquors have
become forfeited to be destroyed, and said
by reason of the premises has incurred and become liable to pay a fine of
twenty dollars to the use of said Commonwealth, and costs of prosecution, or
to be imprisoned thirty days in default of payment, and pray that due process
may issue to search there for the same.

Therefore, in the name of the Commonwealth you are required to enter, in
the day time, the _____ named
in said complaint, and there make careful and diligent search for the same,
and if such liquors be found therein, to seize and safely keep the same until
final action and decision be had on said complaint, and you are alike required
to summon the said

forthwith to appear before me

to show cause, if any he have, why said liquors should not be
declared forfeited to be destroyed, and he be adjudged and held to pay a fine
of twenty dollars to the use aforesaid, and costs of prosecution.

WITNESS

our said

aforesaid this

at

Esquire.

day of _____
thousand eight hundred and fifty-

in the year of our Lord, one

Commonwealth of Massachusetts.

ss.

*To the Sheriff of our said County of
or either of his Deputies, or either of the Constables of
or either of the Towns within said County,
and to the Keeper of the County Jail in said County,*

GREETING.

Whereas, at a Justice' Court holden before
Esq., one of the Justices of the Peace in and for the said County, on the
day of in the
year 185 at of the clock in the
noon,
of
in said county
is convicted upon the complaint of

voters in said
in behalf of said Commonwealth, on oath made the day of
That said
then had and kept spirituous or intoxicating liquors, to wit:

intended for sale, deposited in the
situated in said
occupied by him, the said
the said
not being authorized to sell the same under an Act entitled "An Act concerning
the manufacture and sale of spirituous or intoxicating liquors," and that thereby
the said liquors became forfeited to be destroyed, and said
forfeited the sum of twenty
dollars to the use of said Commonwealth, and costs of prosecution, and prayed
that due process issue to search said
for the same, and that if such liquors were found therein, the same be seized
and safely kept until final action and decision be had on said complaint.

And
by the consideration of our said Justice is sentenced to pay a fine to the use of
said Commonwealth of twenty dollars and costs of prosecution, taxed at
dollars and cents, and stand committed until the same be paid.

And said liquors are declared forfeited to be destroyed, the same having been found and seized in said
and said
said fine and costs ;

Therefore, in the name of said Commonwealth, you are commanded to convey said
to said Jail, and him there deliver to the keeper thereof, and to destroy said
liquors, and
is appointed to witness the destruction thereof.

And said keeper is alike commanded to receive the said
into his custody, in said Jail, and him
there keep until he perform said sentence or be otherwise discharged by due
course of law.

Fail not, and make return hereof with your doings thereon to said Court without delay.

WITNESS,
our said Justice, at Esquire,

in the year one thousand eight hundred and fifty-

Justice of the Peace.

[The Blank Forms for the use of the civil officers, are for sale at the Office of the Massachusetts Life Boat, No. 27 School Street, Boston.]

ORGANIZATION OF THE STATE TEMPERANCE COMMITTEE.

Wm. B. Spooner, Esq., Boston, Chairman.
 Rev. Edward Otheman, Chelsea, Corresponding Secretary.
 B. W. Williams, Boston, Recording Secretary.
 Moses Mellen, " Treasurer.
 Rev T. W. Higginson, Newburyport.
 Rev. Edwin Thompson, Walpole.
 Dr. Charles Jewett, Millbury.
 James Eaton, Esq., Malden.
 E. W. Jackson, Chelsea.
 W. R. Stacy, Boston.
 Joseph H. Allen, Boston.
 John I. Baker, Beverly.

The State Temperance Committee would recommend to towns and cities the use of an account book, to be kept by their agents, and to be open to the public, with columns and headings somewhat like the following :

Amount paid.	Quantity.	Article.	For whom purchased	By whom prescribed	Purpose.	Occupation.	Residence.	Purchaser.	Date.	Place.
--------------	-----------	----------	--------------------	--------------------	----------	-------------	------------	------------	-------	--------

This would answer for almost every place; and the object of such a record would be the justification and protection of the agent.

Massachusetts Life Boat Office, 27 School Street, Boston.

